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Printed: Margaret M. Hasson

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bandman et al.

Title: HUMAN SCAD-RELATED MOLECULES, SCRM-1 AND SCRM-2

Serial No.: 09/743,752 Filing Date: February 12, 2001

Examiner: Winkler, U. Group Art Unit: 1648

United States Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino June 18, 2002 (copy attached), Applicants submit the following documents to complete the filing for the above-identified patent application:

1. **Substitute Submission Under 37 CFR §1.821-1.825 Sequence Listing (1 pg);**
2. **One (1) Substitute computer-readable CD-R/Diskette; and**

Applicants believe that a fee is not necessary with this communication. However, if the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. **09-0108**.

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TECH CENTER 1600/2902

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,  
INCYTE GENOMICS, INC.

Date: 18 July 2002

Richard C. Ekstrom  
Richard C. Ekstrom  
Reg. No. 37,027  
Direct Dial Telephone: (650) 843-7352

3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555  
Fax: (650) 849-8886

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## Notice to Comply

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

#### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

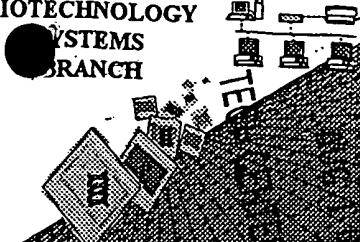
For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
For CRF Submission Help, call (703) 308-4212  
PatentIn Software Program Support

Technical Assistance..... 703-287-0200  
To Purchase PatentIn Software..... 703-306-2600

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## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/743,752  
Filing Date: 03/12/2001  
Date Processed by STIC: 8/8/02

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

- (circle one) Damaged or Unreadable (for Unreadable, see attached)  
 Blank (no files on CRF) (see attached)  
 Empty file (filename present, but no bytes in file) (see attached)  
 Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
 Not saved in ASCII text  
 Sequence Listing was embedded in the file. According to Sequence Rules,  
submitted file should only be the Sequence Listing.  
 Did not contain a Sequence Listing. (see attached sample)  
 Other:

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**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.**

**SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name,  
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,  
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office,  
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

3.1 (WINDOWS>A:

A:\>DIR

Volume in drive A has no label  
Directory of A:\

File not found

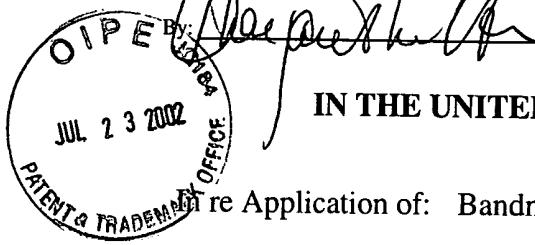
1,457,664 bytes free

A:\>

On-screen message when STIC pc  
attempted to read file.

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Serial No.:	09/743,752	Filing Date:	February 12, 2001
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Arlington, VA 22202

**SUBMISSION UNDER 37 CFR §1.821- 1.825 SEQUENCE LISTING**

Sir:

In accordance with the requirements of 37 CFR §1.821- 1.825, Applicants hereby submit one (1) **diskette** containing the computer-readable information for the "Sequence Listing" of the above-identified application. The **diskette** complies with the requirements of 37 CFR §1.824 and is IBM PC compatible using a Windows NT Operating System with WordPerfect software and saved in ASCII text format.

Accompanying the application is the paper copy of the Sequence Listing as disclosed in the application.

The content of the "Sequence Listing" paper copy is identical to the computer readable copy, as required under 37 CFR § 1.821(f).

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 18 July 2002

Richard C. Ekstrom  
Reg. No. 37,027  
Direct Dial Telephone: (650) 843-7352

3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555  
Fax: (650) 849-8886